

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AXELROD & CHERVENY ARCHITECTS,
P.C., et al.,

Plaintiff,
-against-

ORDER
CV 05-5573 (DRH)(ARL)

T & S BUILDERS, INC., et al.,

Defendants.
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LINDSAY, Magistrate Judge:

By letter application dated April 4, 2007, plaintiffs request that the court schedule a pre-motion conference regarding their proposed motion for an order striking the defendants' answer and/or for other relief as the court deems appropriate pursuant to Rule 37 of the Federal Rules of Civil Procedure. The defendants have not responded to the application.

All discovery was scheduled to be completed by January 23, 2007. By letter dated February 15, 2007, plaintiffs sought an extension of this deadline because the defendants failed to timely supply supplemental discovery and defendants' depositions were yet to be completed. The defendants did not respond to that application. The court reopened discovery and ordered that defendants' supplemental responses be provided by March 16, 2007 and that the defendants' depositions shall be taken on a mutually agreeable date before April 30, 2007. See Order, dated February 23, 2007. The instant application followed.

According to the plaintiffs and notwithstanding their attempt to confer on this issue, the defendants still have not provided any of the discovery ordered to be served by March 16, 2007. The defendants are therefore directed to provide its supplemental discovery responses by **April 30, 2007** and the defendants' depositions shall be taken on a mutually agreeable date before **May 1, 2007**. Plaintiff may submit a request for attorney's fees incurred in connection with making the present application. The defendants are warned that their failure to respond to such fee application will result in an award to plaintiff of such fees. Additionally, defendants' failure to comply with the court's newly entered discovery order will lead to a recommendation to the district judge that their answer be stricken.

The deadline for the commencement of dispositive motion practice is extended to **May 25, 2007**. The final conference before the undersigned is adjourned to **June 15, 2007 at 11:30 a.m.** The parties' proposed joint pretrial order shall be electronically filed in advance of the final conference.

Dated: Central Islip, New York
April 18, 2007

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge